

City of Newton



Setti D. Warren  
Mayor

## Purchasing Department

Maureen Lemieux ☎ Interim Chief Procurement Officer  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449  
[purchasing@newtonma.gov](mailto:purchasing@newtonma.gov)

Telephone  
(617) 796-1220  
Fax:  
(617) 796-1227  
TDD/TTY  
(617) 796-1089

February 28, 2012

Mr. Scott L. Seaver  
Seaver Construction, Inc  
57 Russell St.  
Woburn, MA 01801  
(781) 935-0130 / (781) 935-0048  
[afrost@seaverconstruction.com](mailto:afrost@seaverconstruction.com)

**Re: Change Order #9 for Contract #C-2798 Fire Station #7 – Additions & Renovations (IFB# 10-31)**

Dear Mr. Seaver:

Below you will find four (4) copies of **Change Order #9 for Contract No. C-2798** pursuant to your bid submitted to the City of Newton for the above.

**The Purchasing Dept., for the City of Newton, is now emailing contracts wherever possible.** If you do not wish to process your contracts in this manner, at this particular time, please contact us immediately and we'll be happy to send you a set of contracts in the traditional manner. If you are willing then: **please print out this document in its entirety, sign and date all copies and return the originals** (4 copies) to the Purchasing Dept. Please **do not e-mail** contracts back to us as we are unable to complete the process in this manner, to-date. In addition, the following documents will be required to execute the contract:

- ☐ **COA...**Corporate officer or authorized person to sign and affix corporate seal. Attach Certificate of Authority, as voted by your Board of Directors.
- ☐ **Attestation** / Certification.
- ☐ Bond Rider for a **Performance Bond** & a Labor and Materials **Payment Bond, #0145391**, for an additional **\$74,504.45** increasing the bond amount to **\$3,530,430.20**. Please reference Contract No. **C-2798** on bond.
- ☐ **Contractor's Certification Form** (Attachment B) & Sub-contractor's Certification (Attachment C).

<b>ALL DOCUMENTS MUST BE RETURNED BY: MARCH 14, 2012</b>
--

No Contract is effective until contract (bond if required) has been approved by the Mayor and his signature to that effect has been affixed to said contract.

Sincerely,

Paula J. Hudak  
Assistant Purchasing Agent

*City of Newton*

*CHANGE ORDER NO. 9*  
**TO**  
**CONTRACT NO. C-2798**

**TO:** Rositha Durham – Chief Procurement Officer

**THROUGH:** **Stephanie Kane Gilman**

**FROM:** **Arthur Cabral**

**DATE:** **December 8, 2011**

---

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

The following change in the original contract total is required at this time:

1. PCO 54r, Add steel plate at tower roof perimeter	\$12,061.68
2. PCO 58, Furr out north wall of Room G03	\$ 554.64
3. PCO 61, Replace checkered plate at 5 existing overhead doors	\$ 9,191.03
4. PCO 62, Remove sheet metal base in Hall 105 to install tile	\$ 1,332.19
5. PCO 65, Add gear dryer outlet	\$ 768.41
6. PCO 66, Upgrade patch panel for voice terminations	\$ 2,603.63
7. PCO 67, Repair water damaged wallboard in Room 202	\$ 585.91
8. PCO 69, Replace (4) interior doors in apparatus bay	\$ 2,818.91
9. PCO 70, Replace brick & flashing above north elevation windows on mezzanine level	\$ 9,568.19
10. PCO 71, Provide additional roof railings & pavers	\$11,336.38
11. PCO 74, Install rubber stair treads, risers and miscellaneous sheet goods	<u>\$23,683.48</u>

Total of Change Order \$74,504.45

No substitutions from the original design documents is necessary and that the contract price has been equitably adjusted based on the original bid provided.

This change does not significantly hurt the project and that it is in the best interest of the awarding authority.

[M.G.L.c.30,sec.39M]

**In accordance with the requirements of G.L. c. 30, §39I, the City, acting through its Public Buildings Commissioner, certifies that any substantial deviation(s) from the original plans and specifications proposed by the above referenced proposed Change Order: 1) does not materially injure the Project as a whole; 2) is of the same cost and quality as the originally specified work or that an equitable adjustment in the Contract Sum has been agreed upon by the Parties; and 3) that the deviation is in the best interest of the City.**

Signed under Pains and Penalties of Perjury this 8th day of December 2011

\_\_\_\_\_  
**Commissioner of Public Buildings**

**C I T Y   C L E R K**  
**CITY OF NEWTON MASSACHUSETTS**  
**PURCHASING DEPARTMENT**

**CONTRACT NO. C-2798**  
**CHANGE ORDER #9**

Contract No. C-2798 between Seaver Construction, Inc., 215 Lexington Street, Woburn, Ma. 01801 and the City of Newton, for Fire Station #7, is hereby amended as follows:

The Work to be performed under the Contract Documents is modified by the attached Change Order #9 such Change Order having been prepared by the City of Newton and The Public Buildings Department and agreed to by the Contractor.

The Contract sum is changed by the following amount:

Original Contract amount	\$3,234,900.00
Change Order #1 (trans. & disposal of excess oils and fuel)	\$ 2,754.96
Change Order #2 (delay Labor Superintendent)	\$ 19,396.65
Change Order #3 (Roof Deck, Louver CCD change, Add'l Costs due to Winter)	\$ 69,061.83
Change Order #4 (add'l interior asbestos abatement & credit)	\$ 6,449.00
Change Order #5 (Asbestos abate, repair depressed slab, extend 2 <sup>nd</sup> floor partitions, etc.)	\$ 21,884.31
Change Order #6 (window replacements and add'l blocking & light gauge framing, etc.)	\$ 45,720.46
Change Order #7 (exterior drainage, garage door repairs, electrical conduits, etc.)	\$ 49,348.73
Change Order #8 (recon. Concrete pad w/add'l rebar, add'l roof ladder, etc.)	\$ 6,409.81
Change Order #9 (stair treads, steel plate @ tower roof, add'l roof railings, etc.)	\$ <u>74,504.45</u>

**Revised Contract Total** **\$3,530,430.20**

**The Contract Substantial Completion date has changed to:** **December 9, 2011**

All other terms and conditions of the aforementioned contract, except as amended herein, shall remain.

**CONTRACTOR**

*Seaver Construction, Inc.*

**CITY OF NEWTON**

By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Dated \_\_\_\_\_

By \_\_\_\_\_  
*Chief Procurement Officer* *Date*  
By \_\_\_\_\_  
*Public Buildings Commissioner* *Date*

*Affix Corporate Seal Here*

Certified that additional funds in the amount of **\$74,504.45** are available for this contract in Account No. **#38A11506-5825** and I further certify that the Mayor, or his designee, is authorized to execute contracts and approve change orders.

Approved as to Legal Form and Character

By \_\_\_\_\_  
*Associate City Solicitor* *Date*

**CHANGE ORDER APPROVED**

By \_\_\_\_\_  
*Comptroller of Accounts* *Date*

By \_\_\_\_\_  
*Mayor or his designee* *Date*

**C O N T R A C T O R**  
**CITY OF NEWTON MASSACHUSETTS**  
**PURCHASING DEPARTMENT**

**CONTRACT NO. C-2798**  
**CHANGE ORDER #9**

Contract No. C-2798 between Seaver Construction, Inc., 215 Lexington Street, Woburn, Ma. 01801 and the City of Newton, for Fire Station #7, is hereby amended as follows:

The Work to be performed under the Contract Documents is modified by the attached Change Order #9 such Change Order having been prepared by the City of Newton and The Public Buildings Department and agreed to by the Contractor.

The Contract sum is changed by the following amount:

Original Contract amount	\$3,234,900.00
Change Order #1 (trans. & disposal of excess oils and fuel)	\$ 2,754.96
Change Order #2 (delay Labor Superintendent)	\$ 19,396.65
Change Order #3 (Roof Deck, Louver CCD change, Add'l Costs due to Winter)	\$ 69,061.83
Change Order #4 (add'l interior asbestos abatement & credit)	\$ 6,449.00
Change Order #5 (Asbestos abate, repair depressed slab, extend 2 <sup>nd</sup> floor partitions, etc.)	\$ 21,884.31
Change Order #6 (window replacements and add'l blocking & light gauge framing, etc.)	\$ 45,720.46
Change Order #7 (exterior drainage, garage door repairs, electrical conduits, etc.)	\$ 49,348.73
Change Order #8 (recon. Concrete pad w/add'l rebar, add'l roof ladder, etc.)	\$ 6,409.81
Change Order #9 (stair treads, steel plate @ tower roof, add'l roof railings, etc.)	\$ <u>74,504.45</u>

**Revised Contract Total** **\$3,530,430.20**

**The Contract Substantial Completion date has changed to:** **December 9, 2011**

All other terms and conditions of the aforementioned contract, except as amended herein, shall remain.

**CONTRACTOR**

*Seaver Construction, Inc.*

**CITY OF NEWTON**

By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Dated \_\_\_\_\_

By \_\_\_\_\_  
*Chief Procurement Officer* *Date*  
By \_\_\_\_\_  
*Public Buildings Commissioner* *Date*

*Affix Corporate Seal Here*

Certified that additional funds in the amount of **\$74,504.45** are available for this contract in Account No. **#38A11506-5825** and I further certify that the Mayor, or his designee, is authorized to execute contracts and approve change orders.

Approved as to Legal Form and Character

By \_\_\_\_\_  
*Associate City Solicitor* *Date*

**CHANGE ORDER APPROVED**

By \_\_\_\_\_  
*Comptroller of Accounts* *Date*

By \_\_\_\_\_  
*Mayor or his designee* *Date*

**P U R C H A S I N G**  
**CITY OF NEWTON MASSACHUSETTS**  
**PURCHASING DEPARTMENT**

**CONTRACT NO. C-2798**  
**CHANGE ORDER #9**

Contract No. C-2798 between Seaver Construction, Inc., 215 Lexington Street, Woburn, Ma. 01801 and the City of Newton, for Fire Station #7, is hereby amended as follows:

The Work to be performed under the Contract Documents is modified by the attached Change Order #9 such Change Order having been prepared by the City of Newton and The Public Buildings Department and agreed to by the Contractor.

The Contract sum is changed by the following amount:

Original Contract amount	\$3,234,900.00
Change Order #1 (trans. & disposal of excess oils and fuel)	\$ 2,754.96
Change Order #2 (delay Labor Superintendent)	\$ 19,396.65
Change Order #3 (Roof Deck, Louver CCD change, Add'l Costs due to Winter)	\$ 69,061.83
Change Order #4 (add'l interior asbestos abatement & credit)	\$ 6,449.00
Change Order #5 (Asbestos abate, repair depressed slab, extend 2 <sup>nd</sup> floor partitions, etc.)	\$ 21,884.31
Change Order #6 (window replacements and add'l blocking & light gauge framing, etc.)	\$ 45,720.46
Change Order #7 (exterior drainage, garage door repairs, electrical conduits, etc.)	\$ 49,348.73
Change Order #8 (recon. Concrete pad w/add'l rebar, add'l roof ladder, etc.)	\$ 6,409.81
Change Order #9 (stair treads, steel plate @ tower roof, add'l roof railings, etc.)	\$ 74,504.45

**Revised Contract Total** **\$3,530,430.20**

**The Contract Substantial Completion date has changed to:** **December 9, 2011**

All other terms and conditions of the aforementioned contract, except as amended herein, shall remain.

**CONTRACTOR**

*Seaver Construction, Inc.*

**CITY OF NEWTON**

By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Dated \_\_\_\_\_

By \_\_\_\_\_  
*Chief Procurement Officer* *Date*  
By \_\_\_\_\_  
*Public Buildings Commissioner* *Date*

*Affix Corporate Seal Here*

Certified that additional funds in the amount of **\$74,504.45** are available for this contract in Account No. **#38A11506-5825** and I further certify that the Mayor, or his designee, is authorized to execute contracts and approve change orders.

Approved as to Legal Form and Character

By \_\_\_\_\_  
*Associate City Solicitor* *Date*

**CHANGE ORDER APPROVED**

By \_\_\_\_\_  
*Comptroller of Accounts* *Date*

By \_\_\_\_\_  
*Mayor or his designee* *Date*

# PUBLIC BUILDINGS

## CITY OF NEWTON MASSACHUSETTS PURCHASING DEPARTMENT

### CONTRACT NO. C-2798 CHANGE ORDER #9

Contract No. C-2798 between Seaver Construction, Inc., 215 Lexington Street, Woburn, Ma. 01801 and the City of Newton, for Fire Station #7, is hereby amended as follows:

The Work to be performed under the Contract Documents is modified by the attached Change Order #9 such Change Order having been prepared by the City of Newton and The Public Buildings Department and agreed to by the Contractor.

The Contract sum is changed by the following amount:

Original Contract amount	\$3,234,900.00
Change Order #1 (trans. & disposal of excess oils and fuel)	\$ 2,754.96
Change Order #2 (delay Labor Superintendent)	\$ 19,396.65
Change Order #3 (Roof Deck, Louver CCD change, Add'l Costs due to Winter)	\$ 69,061.83
Change Order #4 (add'l interior asbestos abatement & credit)	\$ 6,449.00
Change Order #5 (Asbestos abate, repair depressed slab, extend 2 <sup>nd</sup> floor partitions, etc.)	\$ 21,884.31
Change Order #6 (window replacements and add'l blocking & light gauge framing, etc.)	\$ 45,720.46
Change Order #7 (exterior drainage, garage door repairs, electrical conduits, etc.)	\$ 49,348.73
Change Order #8 (recon. Concrete pad w/add'l rebar, add'l roof ladder, etc.)	\$ 6,409.81
Change Order #9 (stair treads, steel plate @ tower roof, add'l roof railings, etc.)	\$ 74,504.45

**Revised Contract Total** **\$3,530,430.20**

**The Contract Substantial Completion date has changed to:** **December 9, 2011**

All other terms and conditions of the aforementioned contract, except as amended herein, shall remain.

#### CONTRACTOR

*Seaver Construction, Inc.*

#### CITY OF NEWTON

By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Title \_\_\_\_\_  
Dated \_\_\_\_\_

By \_\_\_\_\_  
*Chief Procurement Officer* *Date*  
By \_\_\_\_\_  
*Public Buildings Commissioner* *Date*

*Affix Corporate Seal Here*

Certified that additional funds in the amount of **\$74,504.45** are available for this contract in Account No. **#38A11506-5825** and I further certify that the Mayor, or his designee, is authorized to execute contracts and approve change orders.

Approved as to Legal Form and Character

By \_\_\_\_\_  
*Associate City Solicitor* *Date*

CHANGE ORDER APPROVED

By \_\_\_\_\_  
*Comptroller of Accounts* *Date*

By \_\_\_\_\_  
*Mayor or his designee* *Date*

## CERTIFICATE OF AUTHORITY - CORPORATE

1. I hereby certify that I am the Clerk/Secretary of \_\_\_\_\_  
(insert full name of Corporation)
2. corporation, and that \_\_\_\_\_  
(insert the name of officer who signed the **contract and bonds.**)
3. is the duly elected \_\_\_\_\_  
(insert the title of the officer in line 2)
4. of said corporation, and that on \_\_\_\_\_  
(insert a date that is ***ON OR BEFORE*** the date the officer signed the **contract and bonds.**)

at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that

5. \_\_\_\_\_ the \_\_\_\_\_  
(insert **name** from line 2) (insert **title** from line 3)

**of this corporation be and hereby is authorized to execute contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.**

6. ATTEST: \_\_\_\_\_ *AFFIX CORPORATE  
SEAL HERE*  
(Signature of **Clerk or Secretary**)\*
7. Name: \_\_\_\_\_  
(Please print or type name in line 6)\*
8. Date: \_\_\_\_\_  
(insert a date that is ***ON OR AFTER*** the date the officer signed the **contract and bonds.**)

\* The name and signature inserted in lines 6 & 7 **must** be that of the **Clerk or Secretary** of the corporation.

## ATTESTATION

Pursuant to MG c. 62C, § 49A, the undersigned acting on behalf of the Contractor, certifies under the penalties of perjury that, to the best of the undersign's knowledge and belief, the Contractor is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.\*

\_\_\_\_\_  
\*\*Signature of Individual  
or Corporate Contractor (Mandatory)

\_\_\_\_\_  
\*\*\* Contractor's Social Security Number  
(Voluntary) or Federal Identification Number

By: \_\_\_\_\_  
Corporate Officer  
(Mandatory, if applicable)

Date: \_\_\_\_\_

\* The provision in the Attestation relating to child support applies only when the Contractor is an individual.

\*\* Approval of a contract or other agreement will not be granted unless the applicant signs this certification clause.

\*\*\* Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended. This request is made under the authority of GL c. 62C, § 49A.



## Attachment B

### CITY OF NEWTON

#### Contractors Certification

A Contractor will not be eligible for award of a contract, unless such contractor has submitted the following certification, which is deemed a part of the resulting contract.

#### CONTRACTOR'S CERTIFICATION

\_\_\_\_\_  
Contractor's Name Certifies that:

it tends to use the following listed construction trades in the work under the contract

\_\_\_\_\_ and

2. will comply with the minority manpower ration and specific affirmative action steps contained herein; and
3. will obtain from each of its subcontractors and submit to the contracting or administering agency prior to the award of any subcontract under this contract the subcontractor certification required by these bid conditions

\_\_\_\_\_  
(Signature of authorized representative of Contractor)

Any contract for the provision of goods or services to the City of Newton or any of its departments is subject to the ordinance creating the Human Rights Commission, as it may be amended from Time to Time. Any complaints within the purview shall be forwarded immediately to the contracting agency, and a copy shall be sent to the Human Rights Commission; any complaints received by the contracting agency shall be forwarded to the contractor, and a copy shall be sent to the Human Rights Commission.

## Attachment C

### CITY OF NEWTON

#### Subcontractors Certification

Prior to the award of any subcontract, regardless of tier, the prospective subcontractor must execute and submit to the Prime Contractor the following certification, which will be deemed a part of the resulting subcontract.

#### SUBCONTRACTOR'S CERTIFICATION

\_\_\_\_\_. Certifies that:  
Contractor's Name

it tends to use the following listed construction trades in the work under the contract

\_\_\_\_\_ and

will comply with the minority manpower ration and specific affirmative action steps contained herein; and

will obtain from each of its subcontractors and submit to the contracting or administering agency prior to the award of any subcontract under this contract the subcontractor certification required by these bid conditions

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
(Signature of authorized representative of Contractor)

In order to ensure that the said subcontractor's certification becomes part of all subcontracts under the prime contract, no subcontract shall be executed until an authorizee representative of the Administrative Agency administering this project has determined in writing, that the said certification has been incorporated in such subcontract, regardless of tier, Any subcontract executed without such written approval shall be void.

Any contract for the provision of goods or services to the City of Newton or any of its departments is subject to the ordinance creating the Human Rights Commission, as it may be amended from Time to Time. Any complaints within the purview shall be forwarded immediately to the contracting agency, and a copy shall be sent to the Human Rights Commission; any complaints received by the contracting agency shall be forwarded to the contractor, and a copy shall be sent to the Human Rights Commission.